

CHAPTER 1

ADMINISTRATIVE OPERATIONS

ARTICLE 1

ADOPTION, AMENDMENT, AND REPEAL OF SUPREME COURT RULES

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§ 1-101. Statement of purpose.

These guidelines are intended to aid the Supreme Court in the process of evaluation and enactment of Supreme Court rules covering the practice of law and the administration of the judicial system.

§ 1-102. Definitions.

In this rule, unless the context or subject matter otherwise requires:

(A) "Official Supreme Court Rules" refer to the Revised Rules of the Supreme Court/Court of Appeals of the State of Nebraska and include official, published Supreme Court rules and regulations and amendments thereto of general application relating, inter alia, to pleading, practice, and procedure, and to the admission to practice, conduct, and discipline of attorneys at law.

(B) "Miscellaneous Supreme Court Rules" refer to Supreme Court rules and regulations and amendments thereto, of general application, relating to the operation of the judicial system. Such rules and regulations include, but are not necessarily limited to, the Supreme Court Personnel Policies and Procedures, Judicial Qualifications Rules, Judicial Resources Commission Rules, Grievance Procedure for ADA Complaints, and City or Village Ordinance Guidelines.

Rule II(A) and (B) amended October 14, 1999. Renumbered and codified as § 1-102, effective July 18, 2008.

§ 1-103. Rules consideration.

(A) Requests to consider the creation, amendment, or repeal of any Supreme Court rule can be initiated by action of the Court or brought to any member of the Court, the Clerk of the Supreme Court, or the State Court Administrator by any interested party, unless an existing rule contains specific language providing for procedure for amendment. Such request shall be submitted in writing and on a disk in a Microsoft Word compatible format. Any language that creates a rule or is to be added to a rule shall be underscored, and any language to be deleted from a rule shall be overstruck.

(B) The Supreme Court may:

- (1) accept the request,
- (2) deny the request, or
- (3) defer action pending:
 - (a) additional comment from requestor,
 - (b) comment from staff or committee, or
 - (c) a formal written comment period.

(C) In the case of deferral pending a formal written comment period, notification of the pending rules changes and solicitation of comment may be made in any publication(s) deemed advisable by the Supreme Court and notification of the pending rules requests and solicitations for comments may also be provided, as directed by the Court, to those identified as having a potential interest.

Any formal written comment period shall be for the period of time specified by the Court in such notification.

(D) At the completion of the comment period established above, the Court may accept, reject, or modify the rules request under discussion; the Court may request further written comment as provided in item III(C) of this rule; or the Court may on its own motion or on the request of an interested party hold a public hearing on the rules change sought.

(E) If the Supreme Court determines to hold a public hearing on a proposed rules change, notification shall be given in the same manner as specified by item § 1-103(C) of this document. Such notification shall also contain the time and place scheduled for the hearing and the method by which the entire proposed rule change

(F) Upon completion of the procedures set forth above, and prior to Supreme Court consideration for initial approval, such rule or amendment shall, unless otherwise directed by the Court, be reviewed by the Supreme Court Staff Attorney for any comments or recommendations to the Court. Upon report by the Staff Attorney and consideration of all other relevant materials, the Court shall approve or deny the requested rule or amendment.

After Court approval of a change or amendment to the "Official Supreme Court Rules," the approved revision shall be forwarded to the Reporter of Decisions Office for editing. If expressly directed by the Court, the Reporter shall also edit any "Miscellaneous Supreme Court Rule" which has been approved for change or amendment. The Reporter shall thereafter return the edited version of the rule or amendment to the Court for final adoption.

Rule III(A), (B), and (C) amended October 14, 1999; Rule III (F) adopted October 14, 1999; Rule III(A) amended June 5, 2002. Renumbered and codified as § 1-103, effective July 18, 2008.

§ 1-104. Rules publication and distribution.

After adoption by the Court of any change in the "Official Supreme Court Rules," the Reporter of Decisions Office shall make changes to the printed rules and the Reporter shall thereafter submit such changes to the

Clerk of the Supreme Court. Changes adopted by the Court to any "Miscellaneous Supreme Court Rules" shall be made by the designated employee of the Court Administrator's Office. Supreme Court rules, recent amendments, and pending proposed amendments are available on the Supreme Court's website at <http://www.court.state.ne.us/>. Any person requesting a complete or partial copy of the Court's rules from the Clerk of the Supreme Court may be charged a fee as established by the Supreme Court and postage required for mailing such rules.

All changes to the "Official Supreme Court Rules," except for minor grammatical or editorial changes, shall be published in the Nebraska Advance Sheets. Changes to any "Miscellaneous Supreme Court Rules" may be published as directed by the Court.

Rule IV amended October 14, 1999; Rule IV amended June 5, 2002. Renumbered and codified as § 1-104, effective July 18, 2008.

§ 1-105. Contents.

The published rules of the Supreme Court shall contain all formal rules of the Supreme Court either in fact or by reference, unless otherwise directed by the Court.

Rule V amended October 14, 1999. Renumbered and codified as § 1-105, effective July 18, 2008.

§ 1-106. Limitations.

Nothing in this rule shall act to limit the Supreme Court from enacting such rules or adopting such orders as it deems necessary on an emergency basis.